

1 MELANIE D. MORGAN, ESQ.
2 Nevada Bar No. 8215
3 ALLISON R. SCHMIDT, ESQ.
4 Nevada Bar No. 10743
5 AKERMAN LLP
6 1160 Town Center Drive, Suite 330
7 Las Vegas, NV 89144
8 Telephone: (702) 634-5000
9 Facsimile: (702) 380-8572
10 Email: melanie.morgan@akerman.com
11 Email: christine.parvan@akerman.com

12 *Attorneys for Defendant Bank of America, N.A.*

13
14
15
16
17
18
19
20
21
22
23
24
25
26

UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA

KAL-MOR-USA, LLC, a Nevada limited
liability company;

Plaintiff,

v.

BANK OF AMERICA, N.A., a National
Association; CTC REAL ESTATE SERVICES,
a Foreign Corporation; CITIBANK (WEST),
FSB, a Foreign Corporation; DOES I through X;
and ROE CORPORATIONS I through X,
inclusive;

Defendants.

Case No.: 2:13-cv-00682-GMN-PAL

**JOINT MOTION TO SUBSTITUTE
PARTY-DEFENDANT**

Plaintiff KAL-MOR-USA, LLC (**KAL-MOR**), and its counsel, Jason Martinez, Esq. of WEIL & DRAGE, together with Bank of America, N.A. (**BANA**), and its counsel Melanie D. Morgan, Esq. and of the law firm of AKERMAN LLP, move this Court for an order substituting U.S. Bank, National Association (**U.S. Bank**) as party-defendant in the place of BANA. In support, US. Bank and BANA state:

1 1. Effective February 14, 2013, BANA assigned its right, title and interest in the deed of
2 trust at issue in the instant case to U.S. Bank, pursuant to an Assignment of Deed of Trust
3 (**Assignment**) recorded in the Office of the Clark County Recorder as Instrument
4 201302010000394. A copy of the Assignment is attached as **Exhibit A**.

5 2. Based on the foregoing, U.S. Bank, as assignee from BANA, is now the owner and
6 holder of the deed of trust at issue in the instant action and is therefore the real party in interest. As a
7 result, U. S. Bank should be substituted for BANA as party-defendant.

8 3. As a result of the substitution of party-defendant, the case caption should be amended
9 to read: KAL-MOR-USA, LLC, a Nevada limited liability company, Plaintiff, and U.S. Bank,
10 National Association, Defendant.

11 4. No prejudice will result from the granting of this joint motion.

12 ...

13 ...

14 ...

15 ...

16 ...

17 ...

18 ...

19 ...

20 ...

21 ...

22 ...

23 ...

24 ...

25 ...

26 ...

AKERMAN LLP

1160 Town Center Drive, Suite 330
LAS VEGAS, NEVADA 89144
TEL.: (702) 634-5000 - FAX: (702) 380-8572

1 Plaintiff KAL-MOR and its counsel, Jason Martinez, Esq. of WEIL & DRAGE, and Defendant
2 BANA and its counsel, Melanie D. Morgan, Esq. of Akerman LLP respectfully request this Court
3 enter an order substituting U.S. Bank as party-defendant in the place of BANA and grant any other
4 relief this Court deems just and proper.

5 DATED this 18th day of August, 2015

DATED this 18th day of August, 2015.

6 **AKERMAN LLP**

7 /s/ Melanie D. Morgan
8 MELANIE D. MORGAN, ESQ.
9 Nevada Bar No. 8215
10 ALLISON R. SCHMIDT, ESQ.
11 Nevada Bar No. 10743
12 1160 Town Center Drive, Suite 330
13 Las Vegas, Nevada 89144

14
15
16
17
18 **IT IS SO ORDERED.**

WEIL & DRAGE, APC

19 /s/ Jason Martinez
20 NEIL B. DURRANT, ESQ.
21 Nevada Bar No. 7324
22 JASON MARTINEZ, ESQ.
23 Nevada Bar No. 13375
24 C. ROBERT PETERSON, ESQ.
25 Nevada Bar No. 11680
26 2500 Anthem Village Drive
Henderson, Nevada 89052

Attorneys for Plaintiff

ORDER


UNITED STATES MAGISTRATE PEGGY LEEN

DATED: August 18, 2015